

REMARKS/ARGUMENTS

In response to the Examiner's further Office Action of April 29, 2009 the Applicant respectfully submits the accompanying terminal disclaimer and the following Remarks.

Regarding Non-Statutory Double Patenting Rejections

It is respectfully submitted that pending independent claim 1 is patentably distinct from the cited claims of each of US Patent Nos. 6,944,970, 6,920,704 and 7,108,434 and copending Application Nos. 10/760,251, 10/760,199, 10/760,230, 10/760,240 and 10/760,214 either taken alone or in view of newly cited Rhoads, for at least the following reasons.

Pending claim 1 recites a method that comprises adjusting a distance between the printhead and the continuous media web by adjusting adjusters on a rail removably supporting the printhead in the printer. The Examiner admits that because none of the claims of the cited patents and applications recite such a feature but contends that Rhoads makes up for this deficiency.

However, in the arrangement disclosed by the Rhoads, the carriage assembly 20 is supported by both the slider rod 6 and the slider bar 8 and only a position of the slider rod 6 is adjustable (see col. 5, lines 56-59 and col. 7, line 64-col. 8, line 25). This arrangement is distinguished from the method of the claimed invention as follows.

Firstly, one of ordinary skill in the art understands that the cylindrical "rod" of Rhoads does not constitute a "rail", since a rail is by definition a flat "bar" not a cylindrical rod (see <http://www.merriam-webster.com/dictionary/rail%5B1%5D>), and this distinction is clarified by the specific use of a "rod" and a "bar" in Rhoads. Thus, Rhoads does not teach or suggest "adjusting adjusters on a rail removably supporting the printhead" as is required by the claimed invention.

Secondly, because only the slider rod is adjusted in Rhoads and not the slider bar as well, the carriage assembly clearly pivots with respect to slider bar. As such, the printhead is tilted with respect to the media in Rhoads as the slider rod is moved. Thus, Rhoads does not teach or suggest "adjusting a distance between the printhead and the continuous media web" as is required by the claimed invention, rather despite what is disclosed in Rhoads, one of ordinary skill in the art understands that Rhoads actually adjusts a tilt of the printhead relative to the media.

Thus, no combination of Rhoads and the claims of the cited patents and applications would result in the method of the claimed invention.

Regarding Application No. 10/760,260

With respect to the Examiner's provisional non-statutory double patenting rejection of claim 1 over claims 1 and 49 of copending Application No. 10/760,260 in view of Edrinn, the Applicant submits herewith a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c); the present application and Application No. 10/760,260 being commonly owned by the Applicant.

Regarding 35 USC 103(a) Rejections

It is respectfully submitted that the subject matter of pending independent claim 1, and claims 4-10, 16, 18, 19, 30, 36-41 and 48 dependent therefrom, is not taught or suggested by any one or more of previously cited Martin, Edrinn, Nozawa, Stoffel, Goldstein and Rottman in view of newly cited Rhoads, for at least the above-discussed reasons because as the Examiner admits none of the previously cited references disclose the feature of the claimed invention which the Examiner contends that Rhoads discloses.

It is respectfully submitted that all of the Examiner's rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,

Applicant/s:



Janette Faye Lee



Kia Silverbrook



Tobin Allen King

C/o: Silverbrook Research Pty Ltd
393 Darling Street
Balmain NSW 2041, Australia
Email: patentdept@silverbrookresearch.com
Telephone: +612 9818 6633
Facsimile: +61 2 9555 7762